

REMARKS/ARGUMENTS

Claims 1-4, 6-18 and 20-23 are pending. This response is filed concurrently with a Request for Continued Examination and an Information Disclosure Statement. In the latest Official Action in this case (mailed October 22, 2003), claims 11-17 and 23 were allowed, and claims 1-4, 6-10, 18 and 20-22 were rejected. The Action was made final. The following remarks/arguments are made in response to the final rejection of claims 1-4, 6-10, 18 and 20-22.

1. Rejection of Claims 1-23 Under § 102(b)

Claims 1-2 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,640,143 ("Myron"). The Applicant respectfully traverses this rejection.

Regarding claim 1, this claim recites a room occupancy sensor having 1) a sensor for detecting motion in a room, with *a sensitivity* to the motion for triggering the room occupancy sensor, and 2) "a device for measuring ambient room temperature, *wherein the sensitivity is adjusted in response to the measured ambient room temperature.*" It is respectfully submitted that Myron fails to teach such an occupancy sensor where the sensitivity to motion of the sensor is adjusted in response to measured ambient room temperature.

On page 3 of the October 22nd Official Action, the Examiner states:

"It was noted that prior art (Myron et al. U.S. 5,640,143 teaches (column 2 lines 25-27), 'the detection of environmental conditions within the space, for example, ambient light and temperature.') and (column 13 lines 41-43, 'Automatic sensitivity adjustment is useful primarily in environments in which one can make certain assumption about occupancy pattern of the controlled space; otherwise the sensor cannot distinguish when it should reduce or increase the sensitivity'). Therefore, it is clear that there is a device to measure the ambient temperature to detect the environmental conditions in order to adjust the sensitivity of the sensor."

The Applicant respectfully submits that the text cited from Myron does not support the Examiner's conclusion. Specifically, while Myron does teach measuring temperature, the only uses of the temperature measurement are for sensing an overload condition and to control the electrical loads such as a building air conditioning and heating systems." (Col. 7, lines 13-25).

The automatic sensitivity adjustment disclosed in Col 13 of Myron is not based on temperature, but instead is based on a "timeout period with no entry motion." (Col. 14, lines 11-13). **There simply is no teaching or suggestion in Myron linking the measured temperature to the adjustment of the sensitivity of the sensor.**

The Examiner also states:

"Thus, the examiner believes that because the ambient temperature is measured to detect the environmental conditions within a room and the auto adjustment of the sensor's sensitivity is based primarily on the environment conditions, then the automatic sensitivity adjustment was made in response to the measured ambient temperature of the room".

The Applicant respectfully submits that the Examiner appears to be misquoting from the Myron disclosure. The Myron disclosure does not teach that the sensor's sensitivity is based "primarily on the environment conditions". Rather, it states the automatic sensitivity adjustment "is useful primarily in environments in which one can make certain assumptions about the occupancy pattern of the controlled space". (Col. 13, lines 42-45). The disclosure continues to make clear that the "environment" that is being discussed is the room type (e.g. restroom) and the frequency of occupancy of that room, not a temperature environment. A single line in a prior art reference should not be taken out of context and relied upon with the benefit of hindsight to show obviousness. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 230 U.S.P.Q. 416 (Fed. Cir. 1986). Thus, the Applicant respectfully submits that it would be speculation to conclude that the Myron device adjusts sensor sensitivity in response to measured temperature simply because a different portion of the Myron disclosure mentions temperature measurement. Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967).

For these reasons, it is respectfully submitted that claim 1 (and claim 2 dependent thereon) are not anticipated by Myron, and that this rejection should be withdrawn.

2. Rejection of Claims 3-4, 6-10, 18 and 20-22 Under § 103(a)

Claims 3-4, 6-10, 18 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,621,662 ("Humphries") in view of Myron. The Applicant respectfully traverses this rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP 2143.03. It is respectfully submitted that the Examiner has failed to establish prima facie obviousness of the rejected claims because claims limitations recited therein are not taught or suggested by the combination of Humphries and Myron.

Similar to claim 1, claims 3 and 18 recite the concept of adjusting sensor sensitivity *in response to the measured ambient room temperature*. As discussed above in Part 1, Myron fails to teach or suggest this concept, and Humphries fails to cure the deficiencies of Myron. Therefore, it is respectfully submitted that claim 3 and 18 (and claim 4 dependent thereon) are not rendered obvious by Myron and Humphries.

Regarding claim 6, it recites a home automation system having controlled objects, room motion sensors, and "**a controller for controlling the controlled objects** in response to detected occupancy by the plurality of room motion sensors; wherein at least one of the room motion sensors includes a sensor for detecting motion in one of the rooms, the sensor having **a sensitivity** to the motion for triggering the room occupancy sensor, *and wherein the sensitivity is adjustable in response to signals from the controller.*" On page 3 of the final Official Action, the Examiner emphasizes the motivation for combining Myron with Humphries to render claim 6 obvious. However, even combined, these references do not teach or suggest sensor sensitivity adjustment in response to a signal from a controller that controls controlled objects. In the previous office action, the Examiner relied on col. 11, lines 49-62 of Myron for allegedly teaching that the motion sensor's sensitivity is adjustable "in response to signals from the controller." However, this cited text from Myron merely teaches the sensor's microcontroller is adjusting a threshold sensitivity. The sensor's microcontroller is not a controller that controls controlled objects, as recited in claim 6. Therefore, even if the Myron motion sensor were

combined with the Humphries home automation system as suggested by the Examiner, there still is no suggestion of adjusting the motion detector's sensitivity in response to signals from a controller of controlled objects. Thus, it is submitted that claim 6, and claims 7-10 dependent thereon, are not rendered obvious.

Regarding claims 8-10 and 20-22, these claims recite the concept of adjusting the sensitivity of a motion detecting sensor *in response to other sensors* (movement through doorway detected by entry/exit sensor as recited in claims 8 and 20, or occupancy of specific location in a room detected by spot sensor as recited in claims 9 and 21, or a home parameter determined by a status sensor as recited in claims 10 and 22). It is respectfully submitted that neither Humphries or Myron teach or suggest these concepts.

On page 4 of the final Official Action, the Examiner states:

“Prior art (Myron et al. U.S. 5,640,143 teaches (column 2 lines 25-27), ‘the detection of environmental conditions within the space, for example, ambient light and temperature.’) and (column 13 lines 41-43, ‘Automatic sensitivity adjustment is useful primarily in environments in which one can make certain assumption about occupancy pattern of the controlled space; otherwise the sensor cannot distinguish when it should reduce or increase the sensitivity’). Therefore, as to point (I) above, the sensitivity adjustment was made based on the detection of environmental conditions such as ambient temperature and/or light. Thus, the examiner believes that the detection of ambient temperature or light must conduct by at least a temperature and/or light sensor. Therefore, limitation are met by reference.”


As stated above in Part 1, it is respectfully submitted that the Examiner improperly equates “occupancy environment” (from Col. 13, line 41-42) with ambient light and temperature environmental conditions (from Col. 2, lines 25-27), to improperly conclude that sensitivity adjustment is performed in response to measured ambient temperature and light. As argued above, the sensitivity adjustment in Myron is performed in response to the occupancy environment (Col. 13, lines 41-50), not temperature environment.

For these reasons, it is respectfully submitted that the rejection of 3-4, 6-10, 18 and 20-22 should be withdrawn.

For the foregoing reasons, it is respectfully submitted that the claims are in an allowable form, and action to that end is respectfully requested.

Respectfully submitted,

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